

Remarks

Claims 22-41 were the subject of the office action dated January 26, 2009. Claims 25-27 and 29-41 were withdrawn from consideration. Claims 22-24 and 28 were considered by the examiner.

Claims 25-27 and 29-30 are canceled without prejudice as being directed to species that are withdrawn from consideration and in order to avoid additional claim fees.

Claims 42-44 are added.

Thus, claims 22-24, 28, and 31-44 are now presented. To the extent that rejoinder of any of the withdrawn claims is possible, rejoinder is respectfully requested.

The Abstract is amended as suggested on pages 2-3 of the office action.

Claims 22, 23, 24, and 28 are amended to address the issues on pages 3-4 of the office action. For example, "vital" is changed to "active" in claim 22, and "material" is changed to "additive" in claim 24 to improve antecedent basis in these and/or other claims. Similarly, claim 28 is amended so that it depends from claim 24.

The applicant respectfully traverses the obviousness rejection.

Current claim 22 specifies at least one nutritional additive and specifies that the active substances are separated from each other. The subject specification discloses production methods to achieve this and advantages of this arrangement. Such advantages include lack of mixing, which can cause undesired interactions between different active ingredients during manufacture, in packaging, and in the gastrointestinal tract, for example. This is discussed in paragraphs 31 and 54-55, for example, of the published specification (US 2008-0206340). Claim 42, for example, specifies two active substances.

Shibata is not cited in the office action as disclosing these aspects of claim 22, and Shibata does not mention or address combinations and prevention of interaction. Likewise, Shibata does not disclose manufacturing methods for keeping such active ingredients isolated from each other.

Similarly, Ron does not relate to such formulations. Ron relates to delivery of growth hormone.

Shefer relates to fragrances and the like in nanospheres that burst upon heating and the like.

In light of the foregoing, the withdrawal of this rejection is respectfully requested.

As this application is believed to be in allowable form, and indication of such from the examiner is respectfully requested. If any additional fees are required, Applicant hereby petitions therefore and authorizes that any charges be made to Deposit Account No. 02-0385, Baker & Daniels LLP.

Respectfully submitted,

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